उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

मामला क्रमांक Cr.M.P. No. 192/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

PETITIONERS

1. Jugal Kishore Soni, S/o Ramesh Chand Soni, aged 31 years.
2. Shyam Sunder S/o Ramesh Chand Soni, aged about 35 years.
3. Smt. Devi Bai, W/o Ramesh Chand Soni, aged about 55 years.
4. Prakash @ Paramanand Soni, S/o Ramesh Chand Soni, aged 26 years.
5. Dev Kishan Soni, S/o Ramesh Chand Soni, aged 28 years.
6. Smt. Kanchan Soni, W/o Shyam Sunder Soni, aged 31 years.

All R/o Vikas Vihar Colony, Madhorao Sapre Ward No.68, Raipur P.S. Purani Basti, Tahsil and District Raipur (C.G.)

Vs

RESPONDENTS

1. State of Chhattisgarh, Through Mahila Thana, District Durg (C.G)
2. Smt. Meena Soni, W/o Jugal Kishore Soni, aged about 28 years, resident of C/o mother Smt. Shanti Soni (house of Amar Surana) Beside Kila Mandir, Shikshak Nagar, Durg (C.G.)

Present:
Mr. A.S. Iqbal, Adv. for the petitioners.
Mr. G.K. Beriwal, Dy. A.G. for respondent No.1.

ORAL ORDER
(5th September, 2007)

Per Dhirendra Mishra, J:

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') against the order dated 9.3.2007 (Annexure P-3) passed by the learned Judicial Magistrate First Class, Durg in Criminal Case No.138/05 whereby the application of the petitioners for quashing the proceedings initiated against the petitioners under Sections 498-A & 406 of IPC has been rejected.

GRPRJ — FS/246— 2/2007 — 50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(10)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The only ground urged by learned counsel for the petitioners is that no part of cause of action arose within the territorial jurisdiction of learned trial court, as is evident from the FIR and the statement of witnesses and therefore, the trial court has no jurisdiction to try the offence.

I have heard learned counsel for the parties.

The charge under Sections 498-A & 406 of the IPC has been framed against the applicants with the allegations that the complainant, who is the wife of applicant No.1, was subjected to cruelty & torture by the applicants while she was staying with them in her matrimonial house and there is also an allegation against them that certain properties of the complainant were entrusted to the applicants at the time of marriage and the same have not been returned to the complainant wife and thus, they have committed an offence of criminal breach of trust punishable under Section 406 of IPC.

Taking into consideration that there is prima-facie evidence available in the charge sheet that the offence of criminal breach of trust was committed within the territorial jurisdiction of the trial court, the impugned order passed by the trial court does not call for any interference in exercise of jurisdiction under Section 482 of Cr.P.C.

In the result, the petition being devoid of substance is liable to be dismissed and it is hereby dismissed.

Sd/-
DHIRENDRA MISHRA
Judge

GRPRJ — FS/246— 2/2007 — 50,000.